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**SEP 23 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Michael BLANKENSHIP :  
Application No. 10/774,063 :  
Filed: February 5, 2004 :  
Attorney Docket No. CNC 301A :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed July 11, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed May 6, 2004, which set a period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 7, 2004.

Application No. 10/774,063

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (1). Petitioner has submitted the statutory basic filing fee of \$395 and the late filing fee or oath or declaration surcharge of \$65 set forth in 37 CFR 1.16(e); however, petitioner has failed to submit the oath or declaration.


Further correspondence with respect to this matter should be addressed as follows:

By Mail:                    Mail Stop PETITION  
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The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence to the undersigned at (571) 272-3217.

A handwritten signature in cursive script, appearing to read "Brian Hearn".

Brian Hearn  
Petitions Examiner  
Office of Petitions